

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.20819 of 2019

ORDER:

This Writ Petition is filed with the following prayer:

“that this Hon'ble Court may be pleased to issue an appropriate Writ Order or Direction more particularly in the nature of mandamus declaring the high handed action of respondents 3, 4 and 5 in changing the nature of the petitioner's land in the guise of the grave yard without conducting the Survey and demarcation as per the order of the Lok Ayukta Camp Court dated 15-7-2008 in complaint No.1034/2006/B2 in respect of the land in Sy.No.600 of an extent of Ac.5.08 guntas of Achampet Village, Nizamsagar Mandal, Kamareddy District, pending Writ Petition No.3550 of 2018 as being illegal, arbitrary, capricious malafide, violative of principles of natural justice, contrary to the Survey and Boundaries Act, 1923 and pass such other order or orders as this Honourable Court may deem think fit and proper in the circumstances of the case.”

Heard learned counsel for the petitioner and Sri G.Narender Reddy, learned Standing Counsel for the 6th respondent.

Counter affidavit is filed by the 6th respondent stating as follows:

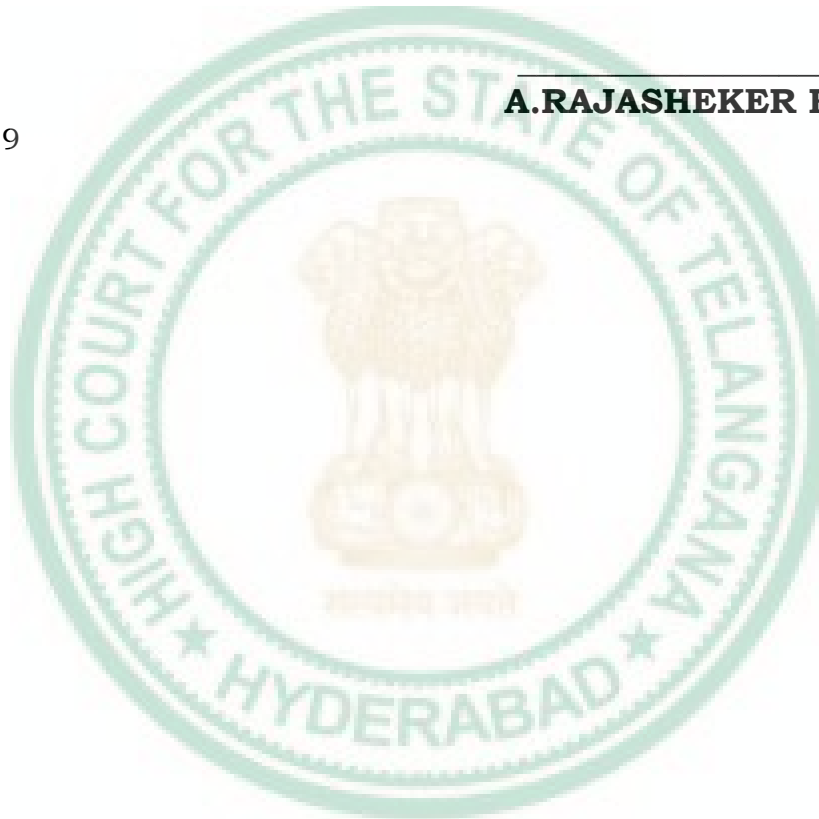
“6. It is submitted that this answering respondent is not aware that in the year 2009 during the Assembly elections, the farmer Sarpanch of Banjapally Gram Panchayat made a complaint and objected for conducting survey and along with the help of villagers removed the survey stones and disturbed the boundaries. However, since the petitioner has already filed a Writ Petition No.3550/2018 seeking direction from the Hon'ble Court by conducting the survey and demarcating the land of the petitioner, the filing of the writ petition for conducting the survey and demarcation of the land of the petitioner itself show that the petitioner himself is not certain as to the boundaries and demarcation of his land and being such the petitioner cannot make the allegations that there is an interference from the official Respondent Nos.5 and 6 into the petitioner's land. There is no interference as alleged by the petitioner only some extent of area in the existing graveyard has been cleaned for construction of crematorium and other bathing facilities as aforesaid. Therefore, no cause of action arises to entertain the present writ petition and the writ petition may be dismissed.”

Learned counsel for the petitioner submits that in view of the averments at paragraph No.6 of the counter affidavit, this writ petition can be disposed of.

Recording the submission of the learned counsel for the petitioner, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

30-10-2019
kvs

A.RAJASHEKER REDDY, J



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Date 30.10.2019.

kvs

